

IPIN BAT

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## CONFIRMATION

Our file: 3121-1A-1

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Date: September 10, 2008

**DUE DATE: September 21, 2008**  
**and Postal confirmation**

American Patent Application No.:10/585,096

Filed: January 7<sup>th</sup>, 2005

PCT Application N°: PCT/CA2005/000018

Int. Filing Date: January 7, 2005

Priority Date: January 12, 2004

Inventor(s): BRAULT Jean, KRICK Thierry, ROY Annie

Applicant(s): SYSTEMES DE MOBILIER TRIANGLE INC.

Title: WORKTABLE COMPRISING A MULTIDIRECTIONAL COUPLING

**ATTENTION:** *PCT Legal Examiner - Mr. George DOMBROSKE*

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**RENEWED PETITION Under 37 CFR 1.47(a)**

Assistant Commissioner for Patents  
Mail Stop PCT  
P.O. Box 1450,  
Alexandria, VA 22313-1450  
U.S.A.

**Fax @ 1-571-273-0459**

**ATTENTION : Office of PCT Legal Administration**

Sirs:

This is pursuant to the Decision on Petition dated July 21, 2008, with a delay for reply expiring two (2) months from this mailing date, namely, on September 21, 2008.

Accordingly, we hereby file for reconsideration on the merits of this **Petition Under 37 CFR 1.47 (a)** for acceptance of an oath or declaration without the signature of all inventors. Indeed, one of the inventors, Mr. Jean BRAULT, refuses to sign or cannot be reached. In support of our said petition, we enclose the following:

1. A duplicate copy of the Notification of missing requirements under 35 USC 371 dated 21 March 2008; (already submitted on May 14, 2008)
2. A proof of pertinent facts. This proof of pertinent facts includes a statement of facts in the form of an revised Affidavit executed by Mrs. Annie ROY, dated 8 September 2008, one of the inventors in the present patent application and a person claiming to have first hand knowledge of the facts recited herein, together with copies of documentary evidence, including certified mail return receipt supporting a finding that the non signing inventor could be reached but would not return the signed document; a copy of the revised completed Declaration and Power of Attorney, (Form PTO/SB/105 (2-98)) returned unsigned by third inventor, Jean Brault;
3. The last known post office address of inventor Jean BRAULT is the following : 190, 51<sup>th</sup> avenue, Lachine, (Quebec) CANADA H8T 2W2;
4. All petition fees have already been paid on May 14, 2008.

In the Decision on Petition of July 21, 2008, legal Examiner Dombroske objects to the Declaration of ownership filed on May 2<sup>nd</sup>, 2008 and signed by joint inventors Roy and Krick on behalf of themselves and of Jean Brault, in that the Declaration form is not identical to form PTO/SB/105 (2-98)).

I claim to be fluent in both the English and French languages, and therefore provide the statement that to the best of my abilities, the French language section of the bilingual French language declaration form used as the Declaration of ownership filed on May 2<sup>nd</sup>, 2008 is an accurate translation in French of the English language section thereof.

We believe that all outstanding issues have been dealt with. However if any other minor issue needs to be resolved, the Legal Examiner is kindly asked to call the undersigned at phone N° (514) 861-4831.

A favourable action is solicited.

Very truly yours,

LESPÉRANCE & MARTINEAU

François Martineau, Patent agent  
American Registration N° 33072

**CERTIFICATE OF TRANSMITTAL BY FAX**

It is hereby certified that this petition, consisting of 36 sheets including the annexes, is being facsimile transmitted to the United States patent and trademark office on September 10, 2008 at fax N° 1-571-273-0459.

Respectfully Submitted,

François Martineau  
Patent Agent N° 33072

FM/fd  
U04  
Encl.

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Commissioner for Patents

U.S Patent Application Number: 10/585,096  
International Application No.: PCT/CA2005/000018  
U.S. Filing Date: 01/07/2005  
Priority Date: 01/12/2004  
Applicant: Systèmes de mobilier Triangle Inc.  
Invention Title: Worktable comprising a multidirectional coupling  
Joint-inventors: Mr. Jean Brault, Mr. Thierry Krick and Mrs. Annie Roy

Affidavit of Mrs. Annie Roy

I, undersigned, resident at 58 des Ducats, Blainville City, Quebec province, solemnly declare the followings:

1. I am employed by Triangle Furniture Systems Inc. (hereunder named Triangle) since April 1999 and I am the R&D Director, presently on maternity leave.
2. As the Research & Development Director since 2004, I am perfectly aware of all the product development performed at Triangle, including the product forming the subject matter of the present patent application.
3. As one of the joint-inventors and as the R & D Director, I have an excellent knowledge of the events described in this affidavit.
4. Since no other actual Director or Manager was there at the time of the events, I am empowered to subscribe the present affidavit in response to the notification of the United States Patent and Trademarks Office dated March 21<sup>st</sup> 2008, under the U.S. application number 10/585,096, for an invention named *Worktable comprising a multidirectional coupling* (hereunder named the invention).
5. On April 9<sup>th</sup> 2008, Triangle received a letter from the United States Patent and Trademark Office, notifying us that the declaration of the inventors filed on 06/30/2006 does not comply with 37 CFR 1.497(a) and (b) because the signature of one of the co-inventors, Mr. Jean Brault, was missing.
6. On April 25th 2008, an assignment was transmitted to Mr. Jean Brault's residence and the document reception was acknowledged. The assignment was requesting him to transfer the entire right, title and interest in the invention to Triangle. Within the 15 days window allowed for return, Mr. Brault has not returned to us any such signed assignment.
7. On July 29<sup>th</sup>, 2008, we received a decision on petition dated July 21st, 2008 from the U.S. patent and trademark office.

8. On August 14<sup>th</sup>, 2008, a declaration and Power of attorney form directed toward the instant patent application and a complete copy of the patent application papers were transmitted to Mr. Jean Brault's residence and the document reception was acknowledge on August 15<sup>th</sup>, 2008.
9. Within the 15 days window allowed for return, Mr. Brault has not returned to us any such declaration and power of attorney.

The following facts briefly describe the mission of Triangle. It then explains the development of the invention and describes the happenings at the time and after Triangle has been acquired by Planmeca Oy.

#### The mission of Triangle

10. Triangle Furniture Systems has been founded in 1979 by Mr. Jean Brault and Mr. Jean-Pierre Morin. At the time, the company name was Atelier des Érables.
11. From a company building kitchen cabinetry, the company evolved towards the fabrication of dental environment and the company name became Nouvelle Clinique.
12. Through deep researches on asepsis and infection control, the business, then named Triangle, specialized itself in Sterilization and Treatment Centers for the dental market. The countries into which Triangle was established are Canada, USA and France.
13. Mr. Morin was acting as the Production Manager and the Technical advisor while Mr. Brault was focusing on Sales, Marketing and Product Management. As the president of the company, Mr. Brault was also responsible for the general administration.
14. The association between Mr. Jean Brault and Mr. Jean-Pierre Morin has been terminated in September 1998 and Mr. Morin left the company at that moment.
15. Mr. Brault stayed President of the company until he left in December 2005.

#### Development of the invention.

16. As it appears in the application 10/585,096, the three inventors are Mr. Thierry Krick, Mr. Jean Brault, and Mrs. Annie Roy. Each of these inventors has participated in the conception and the development of the invention.
17. The preliminary idea of the invention came from Mr. Brault, when observing a 3 axles mechanism Mr. Krick and Mrs. Roy were working on for another topic.
18. Mr. Krick and Mrs Roy were in charge of the development of the invention, including prototyping and testing. Mr. Brault was responsible, as the President of Triangle, to approve the different steps of the development and to evaluate the commercial value of the invention.

19. The application was filed in the U.S. on July 1<sup>st</sup> 2005.

**Planmeca Oy's acquiring Triangle Furniture Systems Inc.**

20. On July 10<sup>th</sup> 2005, Planmeca Oy (hereunder Planmeca), an incorporated society registered upon the requirements of Finland, has acquired every share of Triangle held by Mr. Brault.
21. Without knowing all the transaction's details, I can confirm that following the acquisition of Triangle by Planmeca, Planmeca has become the single owner of Triangle.
22. According to the selling convention, all business assets of Triangle, including the intellectual property (IP) belonging to Triangle and its share holders, remained the exclusive property of Triangle. None of the anterior share holders kept any IP rights in these assets.
23. Triangle remained the business name of the company.
24. At the time of the application to the United States Patent and Trademark Office, Mr Brault was still the owner and the President of Triangle.
25. Following the purchase by Planmeca, Mr. Brault remained General Manager, but some of his administrative responsibilities were transferred to other persons. The relationship between Mr. Brault and Planmeca quickly deteriorated.
26. Unsatisfied of the events since the acquisition by Planmeca, Mr. Brault decided to leave the company in December 2005.

**Conclusion**

27. As explained in the present affidavit, Mr. Brault has participated in the creation and the development of the invention. He was at the time owner and President of Triangle.
28. Owing to circumstances subsequent to the acquisition of all Triangles' share by Planmeca, Mr. Brault has broken the business relationship with Triangle.
29. Therefore, I hereby declare that Mr. Brault has refused to execute the declaration and power of attorney directed toward the instant patent application after being presented with a complete copy of the patent application papers.
30. Considering the past events and the way the relationship between Mr. Brault and Triangle ended, I believe it will be impossible to obtain Mr. Brault's signature for the transfer of the entire right, title and interest in the invention to Triangle

31. Triangle is holding all the business assets of the company, including the intellectual property and none of the anterior share holders have kept any IP rights.

32. All facts mentioned in the present affidavit are true.

Signed :

Annie Roy

Sworn under oath on September 8<sup>th</sup> 2008 in Blainville, Québec Province.

Monique Leduc

Commissaire à l'assermentation



# **PLANMECA**

## **triangle**

Le 13 août 2008,

M. Jean Brault  
190, 51 ième Avenue  
Lachine (Québec)  
H8T 2W2

Monsieur Brault,

Vous trouverez ci joint le document « Déclaration et Pouvoirs pour demande de brevet » ainsi que la copie complète de la demande de brevet : « Worktable comprising a multidirectional coupling » déposée aux États-Unis le 07 janvier 2005 sous le numéro 10/585,096.

Nous vous demandons de signer les deux documents ci-joints et nous les retourner dans les quinze (15) jours de sa réception.

Bien vôtre,



Mme Annie Roy,  
Directrice département recherche et développement  
Systèmes de Mobilier Triangle Inc.

# **PLANMECA**



triangle

August 13 2008,

Mr. Jean Brault  
190, 51 ième Avenue  
Lachine (Québec)  
H8T 2W2

Mr. Brault,

You will find attached the document « Declaration and Power of Attorney for Patent Application » as well as a completed copy of the request “Worktable comprising a multidirectional coupling” deposited in the United States of America, on January 7th 2005, with the following number 10/585,096.

We request that you sign both documents and return them within (15) days following its reception.

Sincerely,



Mme Annie Roy,  
Directrice département recherche et développement  
Systèmes de Mobilier Triangle Inc.

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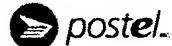
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